

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE McLAUGHLIN,

Petitioner,

v.

Case Number 09-14039-BC
Honorable Thomas L. Ludington

WARDEN, Macomb Regional
Correctional Facility,

Respondent.

_____ /

ORDER DISMISSING HABEAS PETITION WITHOUT PREJUDICE

On October 13, 2009, Petitioner Dale McLaughlin filed a pro se habeas corpus petition under 28 U.S.C. §§ 1651 and 2241. On October 19, 2009, the Court ordered Petitioner to complete and return a form application for the writ of habeas corpus and to set forth a short and plain statement of his claims. Petitioner responded to the Court's order by moving to strike his habeas petition because another person allegedly submitted his petition to the Court without his approval. On December 7, 2009, the Court granted Petitioner's motion and directed him to file an amended petition by January 11, 2010. The Court warned Petitioner that his failure to submit a timely amended petition could result in dismissal of this action.

As of today's date, Petitioner has not filed an amended petition, nor sought an extension of time to do so. Thus, the action will be dismissed without prejudice for failure to prosecute and failure to comply with the Court's previous order. *Rogers v. City of Warren*, 302 F. App'x 371, 375 n.4 (6th Cir. 2008) (citing Fed. R. Civ. P. 41(b), and *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962)); E.D. Mich. LR 41.2.

Accordingly, it is **ORDERED** that Petitioner's habeas petition [Dkt. # 1] is **DISMISSED**
WITHOUT PREJUDICE.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 12, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 12, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS